

FREDDIE FOUNTAIN	§	
v.	§	CIVIL ACTION NO. 6:13cv588
BRAD LIVINGSTON, ET AL.	§	

The Plaintiff Freddie Fountain, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights in the Texas Department of Criminal Justice, Correctional Institutions Division. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

On December 9, 2013, Fountain filed a motion asking that his lawsuit be dismissed. On December 17, 2013, the Magistrate Judge issued a Report recommending that the motion to dismiss be granted and that the lawsuit be dismissed without prejudice. Fountain received a copy of this Report on December 20, 2013, but filed no objections thereto; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. *See* *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243

(1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). It is accordingly


ORDERED that the Report of the Magistrate Judge (docket no. [29](#)) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the Plaintiff's motion for voluntary dismissal (docket no. 25) is hereby **GRANTED** and the above-styled civil action is **DISMISSED WITHOUT PREJUDICE**. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby **DENIED**.

It is SO ORDERED.

SIGNED this 13th day of February, 2014.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE